

उत्तराखण्ड शासन
सचिवालय प्रशासन (अधि०) अनुभाग-4
संख्या-311 /XXXI(4)15-02(को०ट०)2015
देहरादून : दिनांक ०१ दिसम्बर 2015

कार्यालय-ज्ञाप

मा० मुख्यमंत्री/मा० मंत्रीगण/मा० सभा सचिवों को शासकीय कार्यों के सफल संचालन हेतु अनुमन्य सुविधाओं के तहत मा० महानुभावों की संस्तुति/आग्रह के आधार पर उनके निजी स्टाफ में को-टर्मिनस के आधार पर अस्थायी रूप से कार्मिकों की नियुक्ति की जाती है। उक्त व्यवस्था के आधार पर नियुक्त होने वाले कार्मिक सेवायोजन की अवधि में लोक सेवक होते हैं।

2. अतः मा० महानुभावों के निजी स्टाफ में को-टर्मिनस के आधार पर अस्थायी रूप से नियुक्त होने वाले कार्मिक की नियुक्ति के समय शासकीय सेवा में नियमित रूप से नियुक्त होने वाले कार्मिकों से लिये जाने वाले शपथ/घोषणा की भांति संलग्न परिशिष्ट के अनुसार शपथ/घोषणा के प्रारूप को निर्धारित किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।

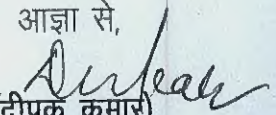
संलग्नक-यथोक्त।

(आर० के० सुधांशु)
सचिव

संख्या-311 /XXXI(4)15-02(को०ट०)2015, तददिनांक।

प्रतिलिपि:—निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित—

1. समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव/प्रभारी सचिव, उत्तराखण्ड शासन।
2. सचिव, श्री राज्यपाल, उत्तराखण्ड।
3. सचिव, विधान सभा, उत्तराखण्ड शासन।
4. महालेखाकार (लेखा एवं हकदारी), उत्तराखण्ड ओबेराय मोटर्स बिल्डिंग, माजरा देहरादून।
5. महालेखाकार (आडिट), उत्तराखण्ड वैभव पैलेस सी-1/105 इन्दिरानगर देहरादून।
6. वरिष्ठ वित्त अधिकारी/आहरण वितरण अधिकारी, सचिवालय प्रशासन विभाग, उत्तराखण्ड शासन को इस आशय से प्रेषित कि महानुभावों के निजी स्टाफ में को-टर्मिनस के आधार पर भविष्य में नियुक्त होने वाले कार्मिकों से संलग्न घोषणा/शपथ पत्र प्राप्त हो जाने पर ही वेतन/मानेदय आहरित किया जाय।
7. कोषाधिकारी केन्द्रीयकृत भुगतान एवं लेखा कार्यालय, 23-लक्ष्मी रोड, देहरादून।
8. वरिष्ठ निजी सचिव/निजी सचिव, मा० मुख्यमंत्री/मा० मंत्री/मा० सभा सचिव, उत्तराखण्ड।
9. निदेशक, राष्ट्रीय सूचना केन्द्र(एन०आई०सी०), सचिवालय परिसर को इस आशय से प्रेषित कि कृपया इस कार्यालय ज्ञाप को उत्तराखण्ड सरकार की आधिकारिक वेबसाईट पर अपलोड करने का कष्ट करें।
10. विभागीय आदेश पुस्तिका।

आज्ञा से,

(दीपक कुमार)
 अनु सचिव

शपथ / घोषणा

समक्ष.....
.....में.....पुत्र/पुत्री.....निवासी.....
.....ईश्वर की शपथ लेता/लेती हूँ/सत्यनिष्ठा से प्रतिज्ञान करता/करती हूँ कि:-

1. सचिवालय प्रशासन (अधि0) विभाग के पत्र संख्या.....
दिनांक: द्वारा मा0 मुख्यमंत्री जी/मा0 मंत्रिगण/मा0 सभा सचिवगण के निजी स्टाफ में नितांत अस्थाई को-टर्मिनस (निःस्वर्गीय) पद.....
.....के सापेक्ष मा0 मुख्यमंत्री/मा0 मंत्रिगण/मा0 सभा सचिव की स्वेच्छा तक अथवा तक अथवा उक्त आदेश में दी गयी अवधि, जो भी पहले हो, में की गयी मेरी नियुक्ति को मैं स्वीकार करता/करती हूँ और नियुक्ति कि दौरान शासकीय कार्य में बरती जाने वाले गोपनीयता का मैं पूर्णतया पालन करूंगा/करूंगी। मैं अपने सेवायोजन की अवधि में ज्ञात शासकीय गोपनीयता का अनुचित लाभ अपने सेवायोजन एवं उसके उपरान्त नहीं लूंगा/लूंगी।
2. उक्त बिन्दु संख्या-01 के अनुसार की गयी मेरी नियुक्ति की अवधि समाप्त होने के उपरान्त मैं इसे आधार मानकर किसी प्रकार के नियमित सेवायोजन का कोई दावा प्रस्तुत नहीं करूंगा/करूंगी।
3. वर्तमान में मैं विवाहित/अविवाहित हूँ तथा एक से अधिक जीवित पति/पत्नी (विवाहित होने की स्थिति में) नहीं है।
4. वर्तमान में मेरा चरित्र/चाल-चलन अच्छा है।

मैं शपथपूर्वक घोषणा करता/करती हूँ कि उक्त दी गयी समस्त जानकारी सत्य है तथा इसमें कुछ भी झूठ नहीं है, न ही कुछ छिपाया गया है। शपथकर्ता Indian Official Secret Act - 1923 के प्राविधानों से भली-भांति अवगत है और उपरोक्त एक्ट में वर्णित सभी नियमों/शर्तों का पालन करेगा/करेगी। यदि किसी भी स्तर पर उपरोक्त दी गयी जानकारी झूठी अथवा गलत साबित हों, तो मुझे दी गयी नियुक्ति तत्काल समाप्त कर दी जाय।

शपथकर्ता के हस्ताक्षर

Act Name : _THE OFFICIAL SECRETS ACT, 1923

Act title : ACT NO. 19 OF 1923 1* 3* * * * *

Enactment date : [2nd April, 1923.]

THE OFFICIAL SECRETS ACT, 1923 ACT NO. 19 OF 1923 1* 3* * * * * [2nd April, 1923.] An Act to consolidate and amend the law 2* * * relating to official secrets. WHEREAS it is expedient that the law relating to official secrets 2* * * should be consolidated and amended; It is hereby enacted as follows.- 4*[1.Short title, extent and application. (1) This Act may be called the Official Secrets Act, 1923. (2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India.]

2.Definitions. In this Act, unless there is anything repugnant in the subject or context,- (1) any references to a place belonging to Government includes a place occupied by any department of the Government, whether the place is or is not actually vested in Government 5* * * * (2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received ; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note, or document ; and expressions referring to the communication of any sketch, plan, model, article, note or document ----- 1

The Act has been extended to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch.; to Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I ; to Pondicherry by Reg. 7 of 1963, s. 3 and Sch. I and to Laccadive, Minicoy and Amindivi Islands by Reg. 8 of 1965, s. 3 and Sch. 2 The words "in the Provinces " were omitted by the A. O. 1950. 3 First two paragraphs of the Preamble were omitted, ibid. 4 Subs. by Act 24 of 1967, s. 2, for the former section. 5 Cl. (1a), ins. by the A. O. 1937, was rep. by the A. O. 1948. -----

----- 640 include the transfer or transmission of the sketch, plan, model, article, note or document; (3) "document" includes part of a document; (4) " model " includes design, pattern and specimen; (5) " munitions of war " includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adapted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use ; (6) "office under Government " includes any office or employment in or under any department of the Government 1* * * ; (7) "photograph " includes an undeveloped film or plate; (8) "prohibited place " means- (a)any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of, Government, any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war; (b)any place not belonging to Government where any munitions of war or any sketches, models, plans or documents relating thereto, are being

made, repaired, gotten or stored under contract with, or with any person on behalf of, Government, or otherwise on behalf of Government; (c) any place belonging to or used for the purpose of Government which is for the time being declared by the Central Government, by notification in the Official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an ----- 1

The words "or of the Government of the United Kingdom or of any British possession" omitted by Act 24 of 1967, s. 3. -----

641 enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality; (d) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of Government, which is for the time being declared by the Central Government, by notification in the Official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality; (9) "sketch" includes any photograph or other mode of representing any place or thing; and 1* * * * (10) "Superintendent of Police" includes any police-officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the Central Government 2* * *.

3. Penalties for spying. (1) If any person for any purpose prejudicial to the safety or interests of the State- (a) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be, directly; or indirectly, useful to an enemy or (c) obtains collects, records or publishes or communicates to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other -

----- 1 Cl. (9A), ins. by the A. O. 1950, was rep. by Act 3 of 1951, s. 3 and Sch. 2 The words "or by any L. G." were rep. by the A. O. 1937. -----

642 document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy 1*[or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States]; he shall be punishable with imprisonment for a term which may extend, where the offence is committed in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Government or in relation to any secret official code, to fourteen years and in other case to three years. (2) On a prosecution for an offence punishable under this section [2* * *, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted

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if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State, such sketch, plan, model, article, note, document, 3*[information, code or pass word shall be presumed to have been made], obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State.

4. Communications with foreign agents to be evidence of commission of certain offences. (1) In any proceedings against a person for an offence under section 3, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without 4*[India], shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interests of the -----

----- 1 Ins. by Act 24 of 1967, s. 4. 2 The words " with imprisonment for a term which may extend to fourteen years " omitted by s. 4, ibid. 3 Subs. by s. 4, ibid., for "or information shall be presumed to have been made ". 4 Subs. by Act 3 of 1951, s. 3 and Sch., for " the States". -----

643 State, obtained or attempted to obtain information which is calculated to be or might be, or is intended to be, directly or indirectly, useful to an enemy. (2) For the purpose of this section, but without prejudice to the generality of the foregoing provisions,- (a) a person may be presumed to have been in communication with a foreign agent if- (i) he has, either within or without 1*[India], visited the address of a foreign agent or consorted or associated with a foreign agent, or (ii) either within or without 1*[India], the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person; (b) the expression " foreign agent " includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without 1*[India], prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without 1*[India], committed, or attempted to commit, such an act in the interests of a foreign power; (c) any address, whether within or without 1*[India], in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, may be presumed to be the address of a foreign agent, and communications addressed to such an address to be communications with, a foreign agent.

5. Wrongful communication. etc., of information. (1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or

relates to anything in such a place, 2*[or which is likely to assist, directly or indirectly, an enemy or which relates to a matter -----

--- 1 Subs. by Act 3 of 1951, s. 3 and Sch., for "the States ". 2 Subs. by Act 24 of 1967, s. 5, for "or which has been made or obtained in contravention of this Act". -----

----- 644 the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made or obtained in contravention of this Act,] or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract- (a) wilfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State ; or (c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information ; he shall be guilty of an offence under this section. (2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this sections. (3) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it, directly or indirectly, to any foreign power or in any other manner prejudicial to the safety or interests of the State, he shall be guilty of an offence under this section. 645 (4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or if such offence is committed with intent to assist any country committing external aggression against India or to wage war against India, with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall, in either case, also be liable to fine."

6. Unauthorised use of uniforms; falsification of reports, forgery, personation, and false documents. (1) If any person for the purpose of gaining admission or of assisting any other person to gain admission to a prohibited place or for any other purpose prejudicial to the safety to the State- (a) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or (b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly

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makes or connives at the making of any false statement or any omission; or (c) forges, alters, or tampers with any passport or any naval, military, air force, police, or official pass, permit, certificate, licence, or other document of a similar character (hereinafter in this section referred to as an official document) or knowingly uses or has in his possession any such forged, altered or irregular official document; or (d) personates, or falsely represents himself to be, a person holding, or in the employment of a person holding, office under Government, or to be or not to be a person to whom an official document or secret official code or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code or pass word, whether for himself or any other person, knowingly makes any false statement; or (e) uses, or has in his possession or under his control, without the authority of the department of the Government or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any diplomatic, naval, military, or air force authority appointed by or acting under the authority of Government, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such -----

----- 1 Subs. by Act 24 of 1967, s. 5, for former sub-section (4) (w.e.f. 10-7-1968). 2 Subs. by Act 42 of 1971, S.6 ?(during emergency and six months thereafter. --

----- 646 die, seal or stamp, or knowingly uses, or has in his possession or under his control, any such counterfeited die, seal or stamp ; he shall be guilty of an offence under this section. (2) If any person for any purpose prejudicial to the safety of the State- (a) retains any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with any directions issued by any department of the Government or any person authorised by such department with regard to the return or disposal thereof ; or (b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code or pass word issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, wilfully fails to restore it to the person or authority by whom or for whose use it was issued, or to a police-officer ; or (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid ; he shall be guilty of an offence under this section. (3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to 1*[three years], or with fine, or with both. (4) The provisions of sub-section (2) of section 3 shall apply, for the purpose of proving a purpose prejudicial to the safety of the State, to any prosecution for an offence under this section relating to the naval, military or air force affairs of Government, or to any secret official code in like manner as they apply, for the purpose of proving a purpose prejudicial to the safety or interests of the State, to prosecutions for offences punishable under that section 2* * *.

7. Interfering with officers of the police or members of the Armed forces of the Union. (1) No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, -----

--- 1 Subs. by Act 24 of 1967, s. 6, for "two years ". 2 The words "with imprisonment for

a term which may extend to fourteen years" omitted by s. 6, *ibid.* -----

----- 647 any police-officer, or any member of 1*[the Armed Forces of the Union] engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place. (2) If any person acts in contravention of the provisions of this section, he shall be punishable with imprisonment which may extend to 2*[three years], or with fine, or with both.

8. Duty of giving information as to commission of offences. (1) It shall be the duty of every person to give on demand to a Superintendent of Police, or other police-officer not below the rank of Inspector, empowered by an Inspector-General or Commissioner of Police in this behalf, or to any member of 1*[the Armed Forces of the Union] engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an offence or suspected offence under section 3 or under section 3 read with section 9 and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information. (2) If any person fails to give any such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to 3*[three years], or with fine, or with both.

9. Attempts, incitements, etc. Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner as if he had committed such offence.

10. Penalty for harbouring spies. (1) If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under section 3 or under section 3 read with section 9 or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, he shall be guilty of an offence under this section. (2) It shall be the duty of every person having harboured any such person as aforesaid, or permitted to meet or assemble in any premises in his occupation or under his control any such persons as aforesaid, to give on demand to a Superintendent of Police or other police-officer not below the rank of Inspector empowered by an Inspector-General or Commissioner of Police in this behalf, any information in his power relating to any such person or persons, and if any person fails to give any such information, he shall be guilty of an offence under this section. ----- 1

Subs. by the A. O. 1950 for "His Majesty's forces". 2 Subs. by Act 24 of 1967, s. 7, for "two years". 3 Subs. by s. 8, *ibid.*, for "two years". -----

----- 648 (3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to 1*[three years], or with fine, or with both.

11. Search warrants. (1) If a Presidency Magistrate, Magistrate of the first class or Sub-divisional Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed, he may grant a search warrant authorising any police-officer named therein, not being below the rank of an officer in charge of a police-station, to enter at any time any premises or